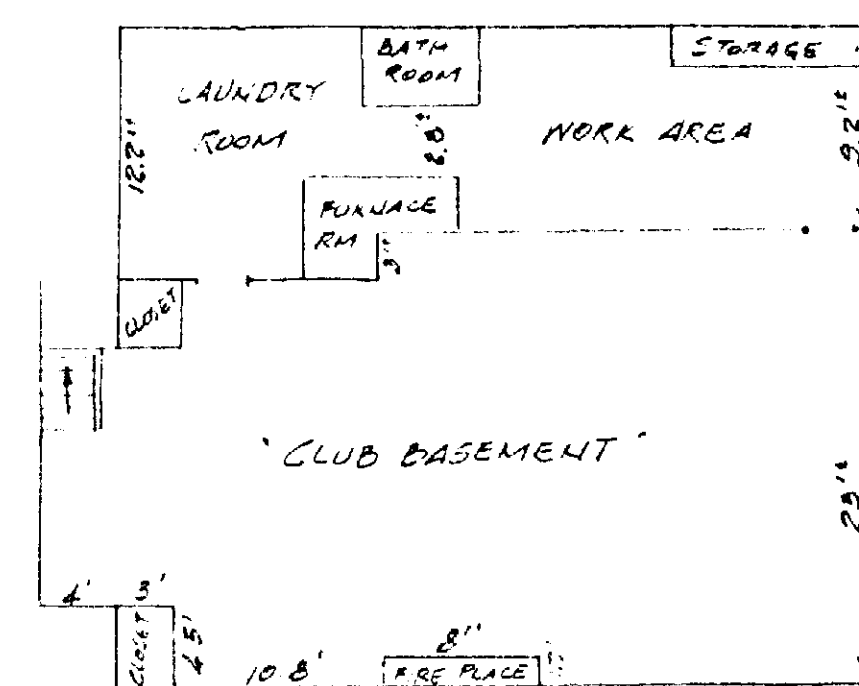
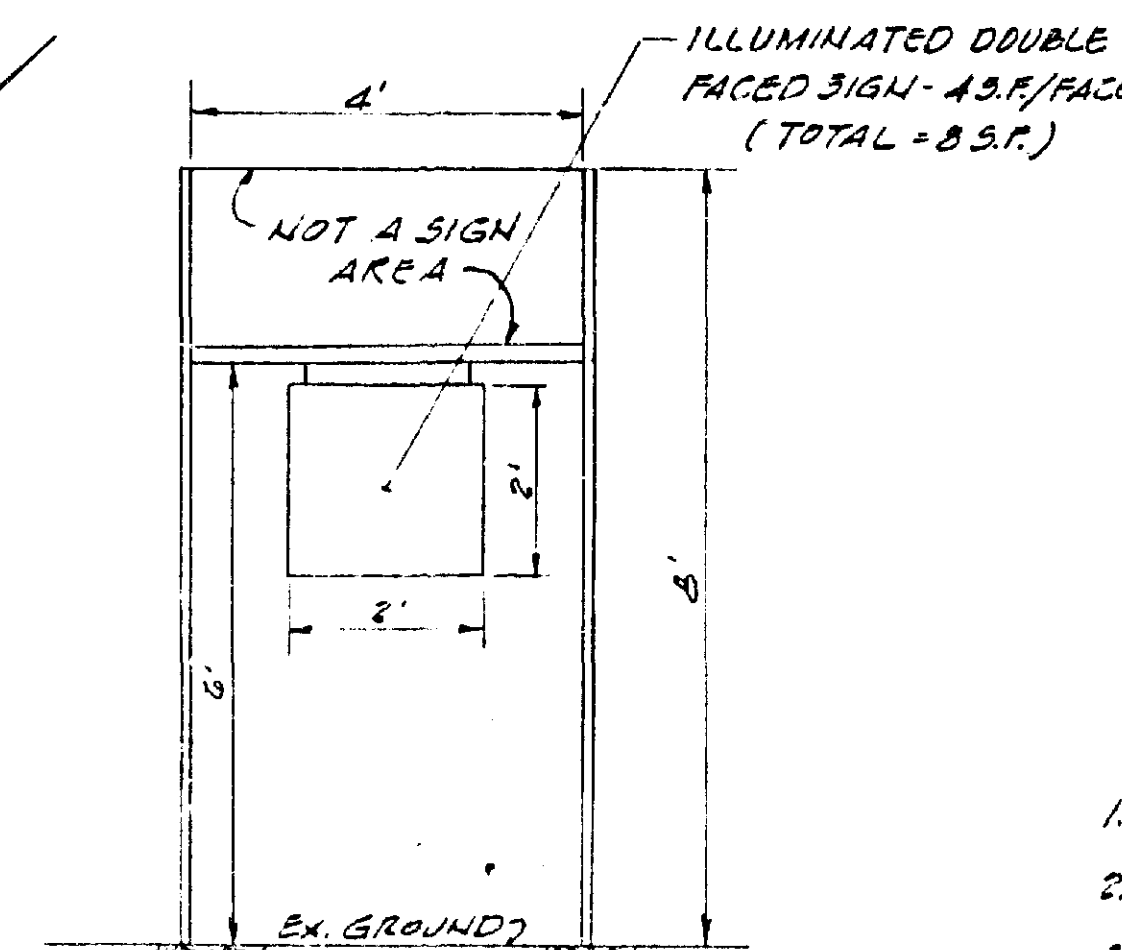
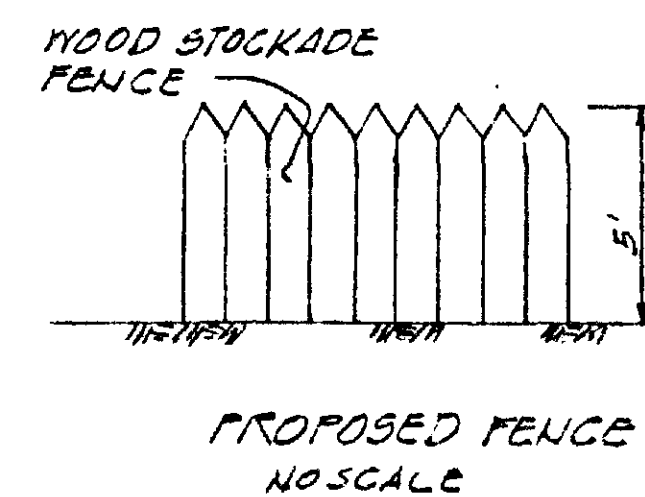


1ST FLOOR LEVEL  
SCALE: 1"=10'



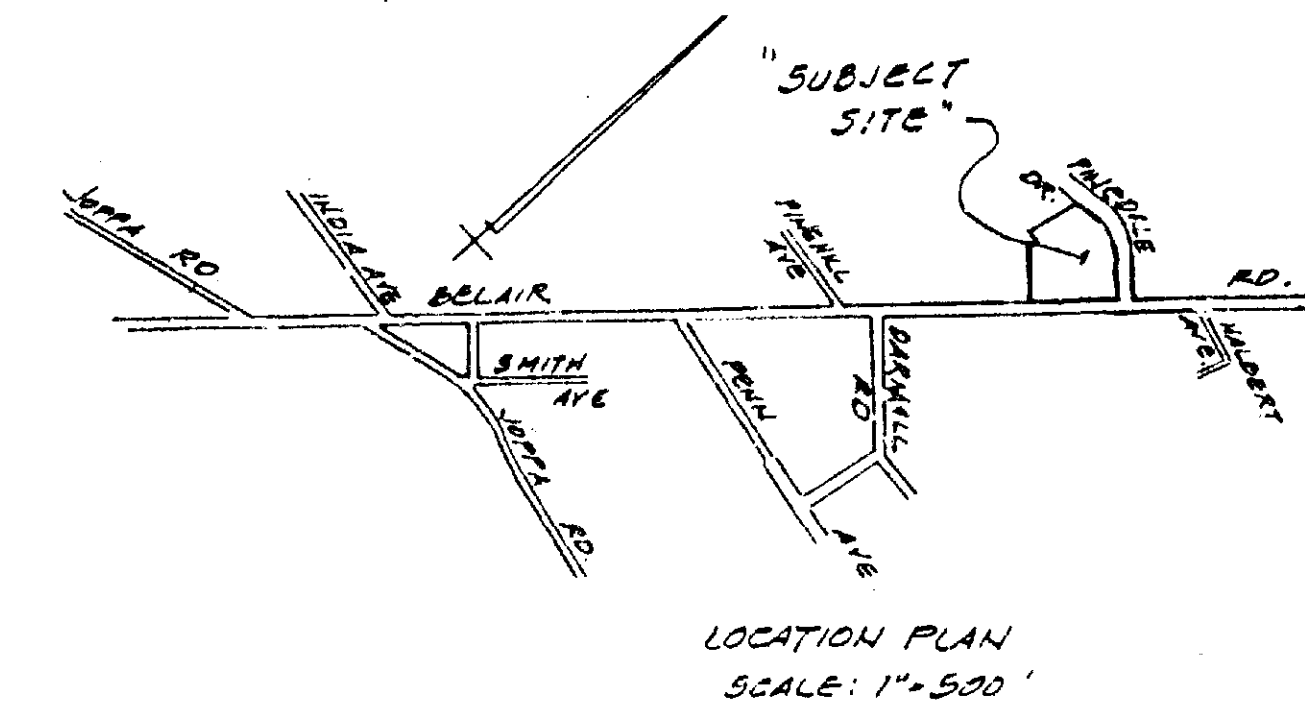
BASEMENT LEVEL  
SCALE: 1"=10'



SIGN DETAIL  
SCALE: 1"=2'

AVERAGE EXIST. FRONT YARD  
SETBACKS

WEST OF 12 = 25'  
EAST OF 12 = 25' MIN.  
EXIST. SITE = 15'



# GENERAL NOTES:

1. AREA OF PROPERTY = 1,03 A.C. (GROSS = 1,374 A.C.)
2. EXISTING ZONING OF PROPERTY = "RO-A"
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "RO-A" w/ SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY = "CLASS B" GROUP CHILD CARE CENTER
6. PETITIONER REQUESTING A SPECIAL EXCEPTION FOR CLASS B GROUP CHILD CARE CENTER IN A "RO-A" ZONE AND A VARIANCE FOR MODIFICATION OF RTA STOPS AS SHOWN ON THIS PLAN PER SECT. 180.1(b) OF THE BZC BASED ON THE USE BEING COMPATIBLE AND MEETS THE REQUIREMENTS OF RTA AS BEST AS POSSIBLE WITHOUT ADVERSE IMPACT.
  - A. NUMBER OF EMPLOYEES = 7
  - B. NUMBER OF CHILDREN TO BE ENROLLED = 20 MAX.
  - C. HOURS OF OPERATION - MON. THRU FRI. = 6 A.M. TO 7 P.M.
  - D. PROPOSED A.D.T. 2,528.5 S.F. 671/1000 = 174
7. REQUIRED OFF-STREET PARKING:
  - A. NUMBER OF EMPLOYEES (1 P.S./EMPLOYEE) = 7
  - B. OFFICE = 218 S.F. 3,311/1000 = 0.72
  - C. TOTAL PARKING SPACES REQUIRED = 7.72 = 8
  - D. TOTAL PARKING SPACES SHOWN = 10 (INCL. GAR.)
8. PETITIONER REQUESTING A VARIANCE TO SECT. 224.7.5 TO PERMIT A FRONT YARD SETBACK OF 15' IN LIEU OF REQ'D. EXIST. FRONT YARD AVERAGE OF 25' (A V.A.R. OF 10').
9. THERE ARE NO OTHER CHILD CARE USES ADJACENT TO THIS PROPERTY
10. MAX. IMPERVIOUS SURFACE PERMITTED (25% OF 1,03 A.C.) = 11,217 S.F.; EXIST. = 5,870 S.F.
11. EXISTING 1STY. BUILDING
  - A. 1ST FL. (1673.5 S.F.) TO BE USED AS CLASSROOM AREA
  - B. BASEMENT TO BE USED FOR STORAGE
12. THERE ARE NO ADJACENT CHILD CARE USES.

94-405-XA

PLAT TO ACCOMPANY PETITION  
FOR  
SPECIAL EXCEPTION & VARIANCES

\* 3412 BELAIR ROAD

ELECT. DIST. II  
SCALE: 1"=30'

BALTIMORE COUNTY, MD.  
MAR. 31, 1994

390

PAUL LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVE.  
TOWSON, MARYLAND 21204



PETITIONER'S  
EXHIBIT No. 1





**Address:** 9412 Belair RD  
Perry Hall, MD 21236

**Contact Person:** Anousheh Varzandeh

**Phone Number:** 668-4206

*As a resident of the Perry Hall community, I do not object to the opening of a day care center at 9412 Belair Road. Furthermore, I do not feel that a day care center would cause any harm to the neighborhood.*

[illegible]

Street

3900 Klausmeyer Rd.  
4401 Liberty Tr.  
9 4401 E. F.V. #112  
4002 Silence Rd  
4401 Bake Lane  
402 Silence Rd.  
9 Bellpark Way  
4405 Clontek 21236  
4415 Glendale Rd. 21236  
310 Aiken Terrace 31009  
945 Delaware 21236  
4405 Seacoast

Name \_\_\_\_\_

Fredrick Mickisman  
Vicki Sadler  
Tony Misiak  
John Henry

Street

Glen Park Rd  
Glen Park Rd.  
CHAPEL TRUNK CIR  
Snyder Lane

**Learn N' Care**  
Learning Center

**DR. SUE SADRI**  
**DIRECTOR**

**May 17, 1994**

*To whom it may concern;*

*Ms. Anousheh Varzandeh has worked with us at Learn n' Care Learning Center for the past two years. Ms. Varzandeh's growth as a person has been impressive. Today I would consider her to be one of the most outstanding young persons to be found anywhere. She has qualities and character traits that are extremely noteworthy.*

*She goes beyond what is expected of her and is well-respected by those who work with her. I believe she would be an asset to any place of employment, and I would certainly want her as part of any staff I would supervise.*

*Sincerely,*

Joe R.

**Sue Sadri, Ph.D.**

Child Development

**Re: Questions, call (301) 736-7410**

2509 Ritchie Road, Forestville, MD 20747 (301) 736-7410

# PETTERCOOPER'S EXPERIMENT





111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 9, 1994

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: Case No. 94-405-XA, Item No. 390  
Petitioner: Javad Varzandeh, et ux.  
Petitions for Variance and Special Exception

Dear Mr. Borgerding:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 14, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR:cm  
Enclosures

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 2, 1994  
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 2, 1994  
Item No. 390

The Developers Engineering Section has reviewed the subject zoning item. If the Special Exception is given, this site will be subject to the Baltimore County Development Regulations, Divisions 3, 4 and 5 and the Department of Public Works Standard for Single Commercial Entrance, Plate R-32.

This proposal is subject to the Landscape Manual. A schematic landscape plan should be submitted and approved prior to the hearing. The required plantings of the RTA buffer must be included.

RWB:sw



4-26-94

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 4390 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
DAVID N. RAMSEY, ACTING CHIEF  
John Comerford, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION\*  
PETITION FOR VARIANCE  
SAC Belair Road and  
and Pinedale Drive  
(9412 Belair Road)  
11th Election Dist.,  
5th Councilmanic Dist.

JAVAD VARZANDEH, et al.  
Petitioners

BEFORE THE

ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-405-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
409 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: April 26, 1994

SUBJECT: 9412 Belair Road

INFORMATION:

Item Number: 390

Petitioner: Javad Varzandeh

Property Size: \_\_\_\_\_

Zoning: R.O.A.

Requested Action: \_\_\_\_\_

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff supports the applicant's request subject to the following conditions:

- Amend the plan to show the ultimate right-of-way for Belair Road.
- Any sign to be erected should be ground mounted.
- Provide a landscape plan subject to the review and approval by the Office of Planning and Zoning.

Prepared by: Jeffery M. Long

Division Chief: Gary L. Kenna

PK/JL:lw

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Javad Varzandeh

3.4 W. Pinner Ave. Suite  
8637 Quaker Ave

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Michael J. McNamee

P.O. Box 15 - Pym, Hill, MD 21228



A variance for modification of RTA standards as shown on Petitioners' accompanying plat per Section 1801.1.8.1c of the BZCR based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact. Section 424.7.8.



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9412 Belair Rd., Perry Hall, MD 21236 which is presently zoned ROA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Class B Group Child Care Center in an "ROA" zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Francis X. Borgerding, Jr.

(Type or Print Name)

Signature

409 Wash. Ave., Ste. 600 296-6820

Towson MD 21204

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Javad Varzandeh

(Type or Print Name)

Signature

Shahrbano Varzandeh

(Type or Print Name)

Signature

8637 Quinton Ave. 668-4206

Baltimore MD 21234

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Francis X. Borgerding, Jr.

409 Washington Ave., Ste. 600

Towson, MD 21204 296-6820

Address Phone No.

ESTIMATED LENGTH OF HEARING

unavailable for hearing

Next Two Months

ALL OTHER

REVIEWED BY: DATE: 4/4/94

ORDER RECEIVED FOR FILING

Date

By

Paul L. P.B.

Paul L. Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-221-5381

94-405-XA

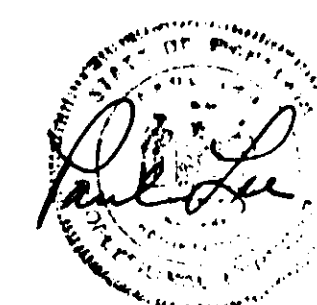
DESCRIPTION

9412 BELAIR ROAD

ELECTION DISTRICT 11 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located at the intersection of the South side of Pinedale Drive with the West side of Belair Road; thence binding on the West side of Belair Road (1) S 42°25'10" W - 225.00 feet, thence leaving said West side of Belair Road (2) N 47°34'50" W - 150.00 feet, (3) N 42°25'10" E - 25.83 feet, (4) N 77°19'35" W - 35.17 feet and (5) N 10°50'56" E - 141.31 feet to the South side of Pinedale Drive; thence binding on the South side of Pinedale Drive by a curve to the left (6) R = 546.43 feet for a length of 77.17 feet, and by a curve to the right (7) R = 155.00 feet for a length of 125.43 feet and (8) S 47°34'50" E - 90.00 feet to the point of beginning.

Containing 1.03 acres of land, more or less.



3/18/94  
J.O. 94-007

Engineers - Surveyors - Site Planners

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 94-405-XA

Towson, Maryland

District: 115 Date of Posting: 5/1/94

Posted for: Javad Varzandeh and Shahrbano Varzandeh

Petitioner: Javad Varzandeh and Shahrbano Varzandeh

Location of property: 9412 Belair Rd. 9412 Belair Rd.

Location of Sign: 9412 Belair Rd. 9412 Belair Rd.

Remarks:

Posted by: [Signature] Date of return: 5/1/94

Number of Signs: 2

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 94-405-XA (Item 390)

9412 Belair Road

SMC Belair Road and Pinedale Drive

11th Election District - 5th Councilmanic

Petitioner(s): Javad Varzandeh and Shahrbano Varzandeh

HEARING: TUESDAY, MAY 24, 1994 at 9:00 a.m. Rm. 118 Old Courthouse.

Special Exception for a Class B group child care center.

Variance to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet; to permit modification of RTA standards as shown on the plat based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact.

LAURENCE E. SCHMIDT, Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are held in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

(2) For information concerning the file and/or hearing, please call 887-3351.

4/28/94 April 28.

## CERTIFICATE OF PUBLICATION

TOWSON, MD. April 29, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 28, 1994.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD. - TOWSON

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

94-405-XA

(410) 887-3353

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 31

Petitioner: VARZANDEH

Location: 9412 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAVAD VARZANDEH

ADDRESS: 9412 BELAIR RD.

PERMISSION TO POST SIGN

\* PHONE NUMBER: 410-887-3351

MUST BE SUPPLIED

TO: PUBLISHER PUBLISHING COMPANY  
April 28, 1994 Issue - Jeffersonian

Please forward billing to:

Javad Varzandeh-Esfahani

8637 Quinton Avenue

Baltimore, Maryland 21204

410-668-4206

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-405-XA (Item 390)

9412 Belair Road

SMC Belair Road and Pinedale Drive

11th Election District - 5th Councilmanic

Petitioner(s): Javad Varzandeh and Shahrbano Varzandeh

HEARING: TUESDAY, MAY 24, 1994 at 9:00 a.m. Rm. 118 Old Courthouse.

Special Exception for a Class B group child care center.

Variance to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet; to permit modification of RTA standards as shown on the plat based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact.

LAURENCE E. SCHMIDT, Zoning Commissioner for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3351.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

APRIL 21, 1994

(410) 887-3353

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-405-XA (Item 390)

9412 Belair Road

SMC Belair Road and Pinedale Drive

11th Election District - 5th Councilmanic

Petitioner(s): Javad Varzandeh and Shahrbano Varzandeh

HEARING: TUESDAY, MAY 24, 1994 at 9:00 a.m. Rm. 118 Old Courthouse.

Special Exception for a Class B group child care center.

Variance to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet; to permit modification of RTA standards as shown on the plat based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact.

Arnold Jablon, Director

cc: Javad and Shahrbano Varzandeh

Francis X. Borgerding, Jr.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Synthetic Ink on Recycled Paper



IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - SW/Corner Belair Road and Pinedale Drive (9412 Belair Road) 11th Election District 5th Councilmanic District Javad Varzandeh, et ux: Petitioners

\* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

\* Case No. 94-405-XA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance filed by the owners of the property, Javad and Shahrbanou Varzandeh for a Child Care Center on the subject property, known as 9412 Belair Road, located in the Perry Hall area of northeastern Baltimore County. Specifically, the Petitioners seek a special exception for a Class B Group Child Care Center on the subject property, zoned ROA, and a variance from Section 424.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the required average of 25 feet, and a modification of RTA standards, pursuant to Section 1B01.1.B.1.C of the B.C.Z.R. based on the use being compatible to the extent possible. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Javad Varzandeh, property owner, and Paul Lee, Professional Engineer. Appearing as an interested party was Dorothy S. McMann, President of the Perry Hall Improvement Association. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of 1.03 acres, more or less, zoned ROA and is improved with a one-story single family dwelling. The Petitioners are desirous of opening

a Class B Group Child Care Center on the property in accordance with Petitioner's Exhibit 1. Testimony indicated that the proposed Center will be operated by the Petitioners' daughter, Anousheh Varzandeh, who holds a Masters degree in early child care. In addition to Ms. Varzandeh, there will be seven employees who will assist in operating the Center. Testimony indicated the Center will offer day care for up to 40 children between 2 and 6 years of age, Monday through Friday from 6:00 AM to 7:00 PM. The Petitioner testified that there will be no before or after school pick-ups as all of the children will be pre-school age who will be dropped off and picked up by their working parents. Further testimony revealed that there will be no improvements to the property but for the addition of a stockade fence to designate a play area to the rear of the dwelling and the extension of an existing driveway to provide additional parking.

As to the variance relief sought, testimony indicated that the variance from front setback requirements is necessary to legalize the dwelling which has existed on the property for many years. The site plan submitted indicates that the front of the dwelling is oriented towards Pinedale Drive and that the dwelling sits back 15 feet from that roadway. Further testimony indicated that inasmuch as there will be few physical changes to the property, the variance from RTA requirements meet the spirit and intent of the regulations and will not result in any detriment to the surrounding locale.

Reference is made to the proposed 2' x 2' illuminated identification sign for the day car center which is proposed to be located on the northeast corner of the site, adjacent to Belair Road. At the hearing, a question arose concerning the possibility that the sign might be located within the ultimate right-of-way for Belair Road. Paul Lee indicated that

he had investigated the ultimate right-of-way for Belair Road with the State Highway Administration (SHA) and was advised that the right-of-way had not been established. Therefore, the sign can remain where proposed, subject to a condition that it be relocated in the event its location is found to fall within the right-of-way once same has been established.

Ms. Dorothy McMann appeared as an interested party on behalf of the Perry Hall Improvement Association. It is to be noted that Ms. McMann did not voice any opposition to the relief requested, but indicated that she is merely interested in all special exception and variance requests made for properties located in the Perry Hall area.

It is clear that the B.C.Z.R. permits the use proposed in the ROA zone by special exception and that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

- 4 -

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of June, 1994 that the Petition for Special Exception for a Class B Group Child Care Center on the subject property, zoned ROA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception granted herein is limited to a Class B Group Child Care Center for a maximum of 40 children, which will operate Monday through Friday, only, from 6:00 AM to 7:00 PM.
- 3) The proposed 2' x 2' illuminated sign shall be extinguished between the hours of 10:00 PM and 6:00 AM.
- 4) In the event the identification sign noted above is located within the ultimate right-of-way, said sign shall be relocated.
- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 424.7.B of the Baltimore County Zoning Regulations

(B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the required average of 25 feet for the existing dwelling, and a modification of RTA standards, pursuant to Section 1B01.1.B.1.C of the B.C.Z.R., based on the use being compatible to the extent possible, be and is hereby GRANTED.

LES:bjs

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

- 5 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 13, 1994

(410) 887-4386

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
SW/Corner Belair Road and Pinedale Drive  
(9412 Belair Road)  
11th Election District - 5th Councilmanic District  
Javad Varzandeh, et ux - Petitioners  
Case No. 94-405-XA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Javad Varzandeh  
8637 Quinton Avenue, Baltimore, Md. 21234

Ms. Dorothy S. McMann, President, Perry Hall Improvement Assoc.  
P.O. Box 53, Perry Hall, Md. 21128

People's Counsel

File

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

## Petition for Variance

94-405-XA  
to the Zoning Commissioner of Baltimore County

for the property located at 9412 Belair Rd., Perry Hall, MD 21236 which is presently zoned ROA

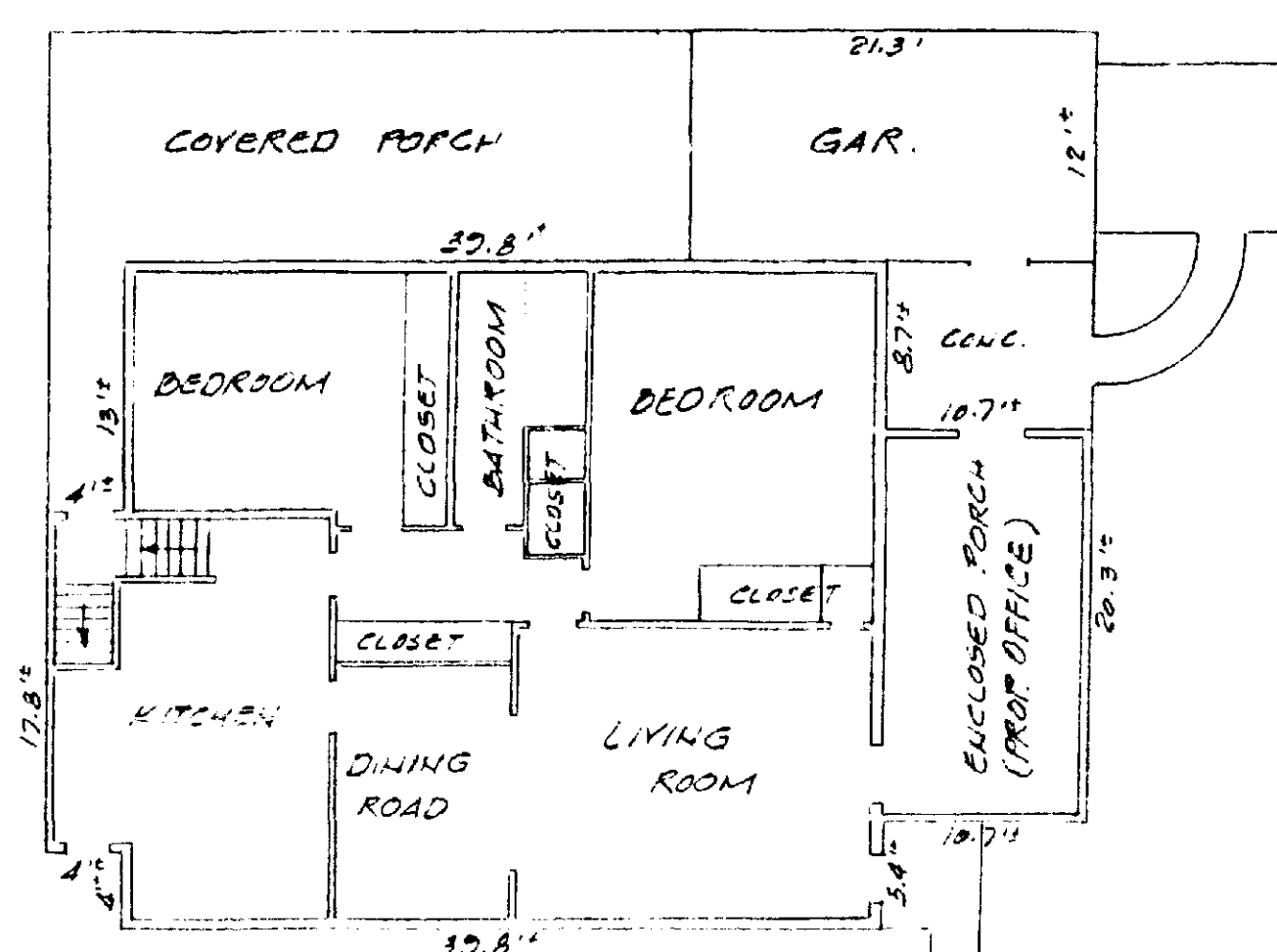
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 424.7.B. of the B.C.Z.R. to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet (a variance of 10 feet)

CONTINUED ON REVERSE  
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):  
1. Shape and configuration of the property; and  
2. Such other and further reasons as will be presented at the time of the hearing of this matter.

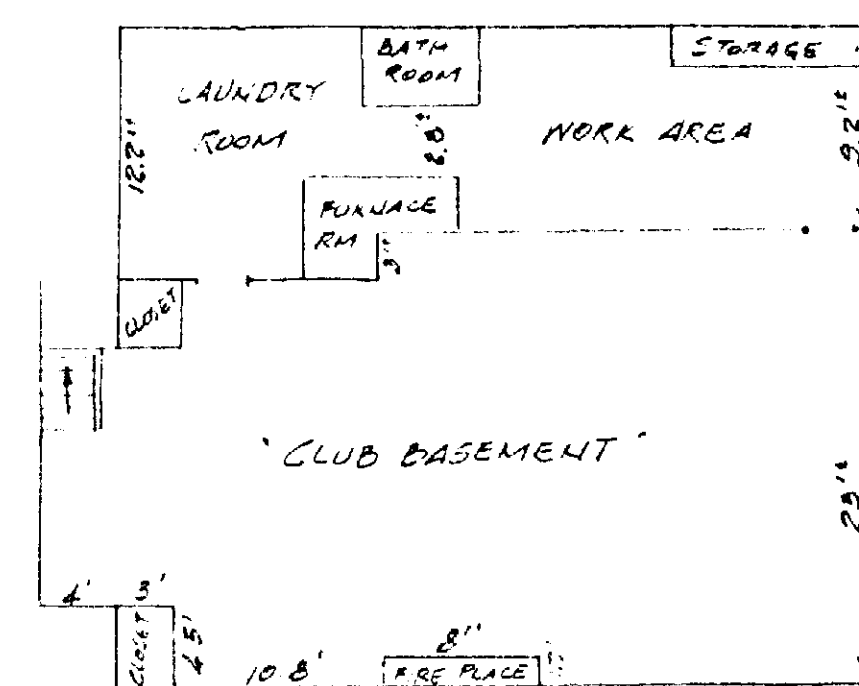
Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Leasee:	Javad Varzandeh (Type or Print Name) Signature Shahrbanou Varzandeh (Type or Print Name) Signature
Address:	8637 Quinton Ave. Baltimore MD 21234 City State Zip
Phone:	668-4206
Attorney for Petitioner:	Francis X. Borgerding, Jr. (Type or Print Name) Signature 409 Wash. Ave., Ste. 600 296-6820 Towson MD 21204
People's Counsel:	Francis X. Borgerding, Jr. (Type or Print Name) Signature 409 Washington Ave., Suite 600 Towson MD 21204 296-6820
ESTIMATED LENGTH OF HEARING	Unresolvable for Hearing Next Two Months
REVIEWED BY:	DATE

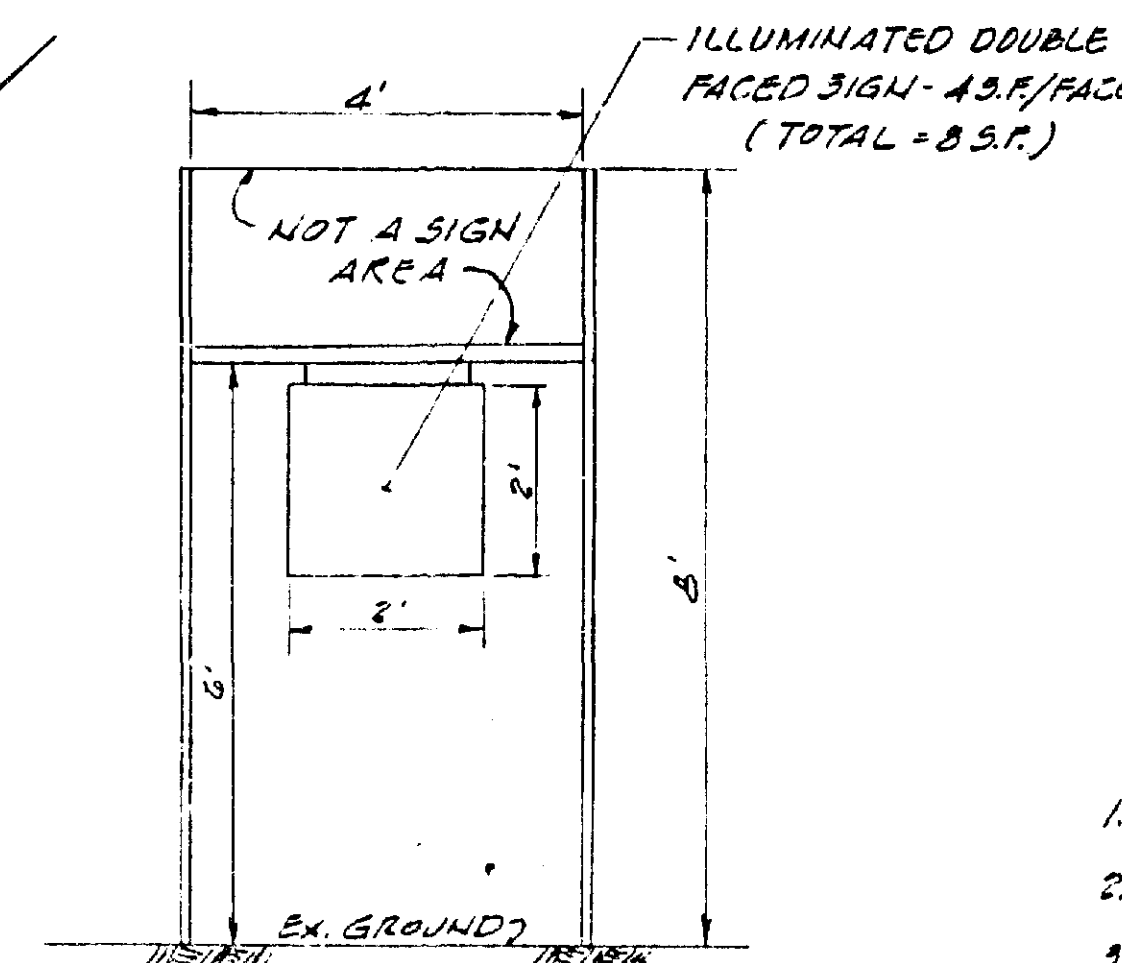
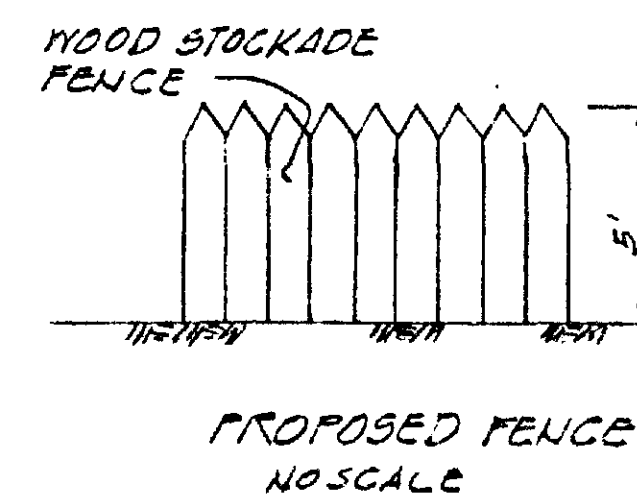




1ST FLOOR LEVEL  
SCALE: 1"=10'



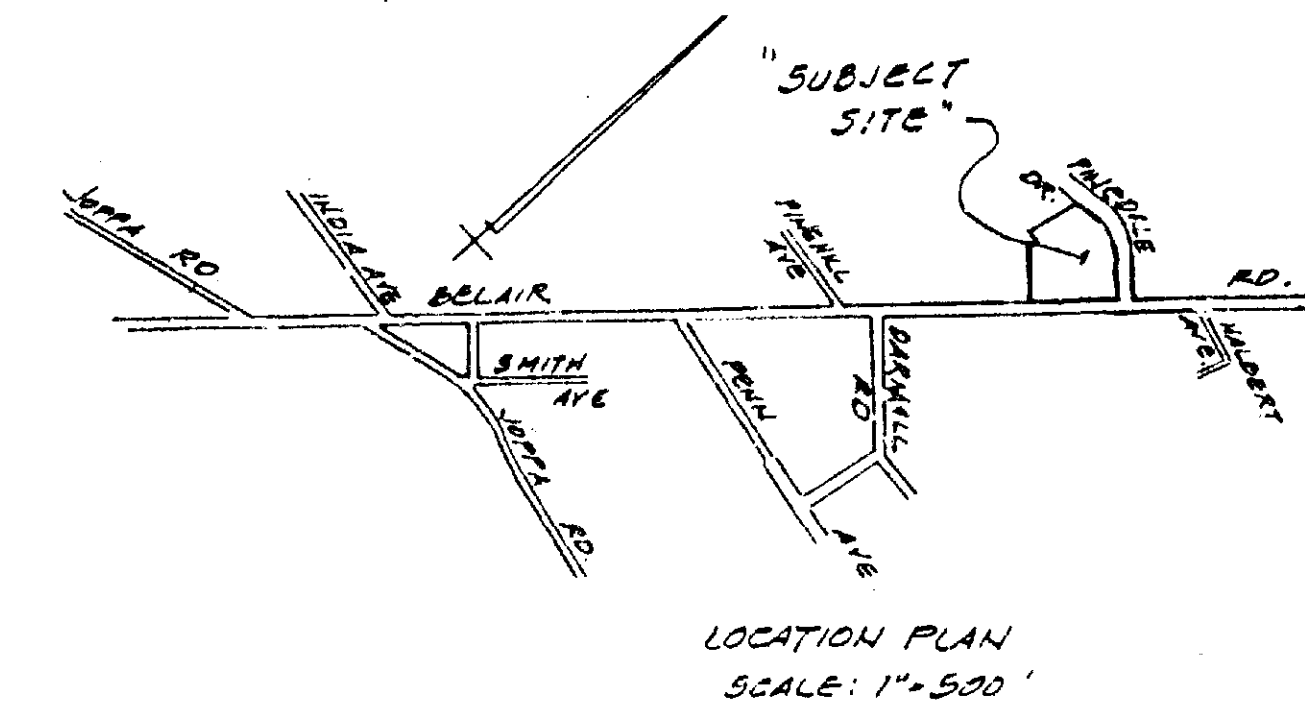
BASEMENT LEVEL  
SCALE: 1"=10'



SIGN DETAIL  
SCALE: 1"=2'

AVERAGE EXIST. FRONT YARD  
SETBACKS

WEST OF 12 = 25'  
EAST OF 12 = 25' MIN.  
EXIST. SITE = 15'



LOCATION PLAN  
SCALE: 1"=500'

# GENERAL NOTES:

1. AREA OF PROPERTY = 1,03 A.C. (GROSS = 1,374 A.C.)
2. EXISTING ZONING OF PROPERTY = "RO-A"
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "RO-A" w/ SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY = "CLASS B" GROUP CHILD CARE CENTER
6. PETITIONER REQUESTING A SPECIAL EXCEPTION FOR CLASS B GROUP CHILD CARE CENTER IN A "RO-A" ZONE AND A VARIANCE FOR MODIFICATION OF RTA STOPS AS SHOWN ON THIS PLAN PER SECT. 180.1(b) OF THE B&E, BASED ON THE USE BEING COMPATIBLE AND MEETS THE REQUIREMENTS OF RTA AS BEST AS POSSIBLE WITHOUT ADVERSE IMPACT.
  - A. NUMBER OF EMPLOYEES = 7
  - B. NUMBER OF CHILDREN TO BE ENROLLED = 20 MAX.
  - C. HOURS OF OPERATION - MON. THRU FRI. = 6 A.M. TO 7 P.M.
  - D. PROPOSED A.D.T. 2,528.5 S.F. 671/1000 = 174
7. REQUIRED OFF-STREET PARKING:
  - A. NUMBER OF EMPLOYEES (1 P.S./EMPLOYEE) = 7
  - B. OFFICE = 218 S.F. @ 3.31/1000 = 0.72
  - C. TOTAL PARKING SPACES REQUIRED = 7.72 = 8
  - D. TOTAL PARKING SPACES SHOWN = 10 (INCL. GAR.)
8. PETITIONER REQUESTING A VARIANCE TO SECT. 224.7.5 TO PERMIT A FRONT YARD SETBACK OF 15' IN LIEU OF REQ'D. EXIST. FRONT YARD AVERAGE OF 25' (A V.A.R. OF 10').
9. THERE ARE NO OTHER CHILD CARE USES ADJACENT TO THIS PROPERTY
10. MAX. IMPERVIOUS SURFACE PERMITTED (25% OF 1,03 A.C.) = 11,217 S.F.; EXIST. = 5,870 S.F.
11. EXISTING 1STY. BUILDING
  - A. 1ST FL. (1673.5 S.F.) TO BE USED AS CLASSROOM AREA
  - B. BASEMENT TO BE USED FOR STORAGE
12. THERE ARE NO ADJACENT CHILD CARE USES.

94-405-XA

PLAT TO ACCOMPANY PETITION  
FOR  
SPECIAL EXCEPTION & VARIANCES

\* 3412 BELAIR ROAD

ELECT. DIST. 11  
SCALE: 1"=30'

BALTIMORE COUNTY, MD.  
MAR. 31, 1994

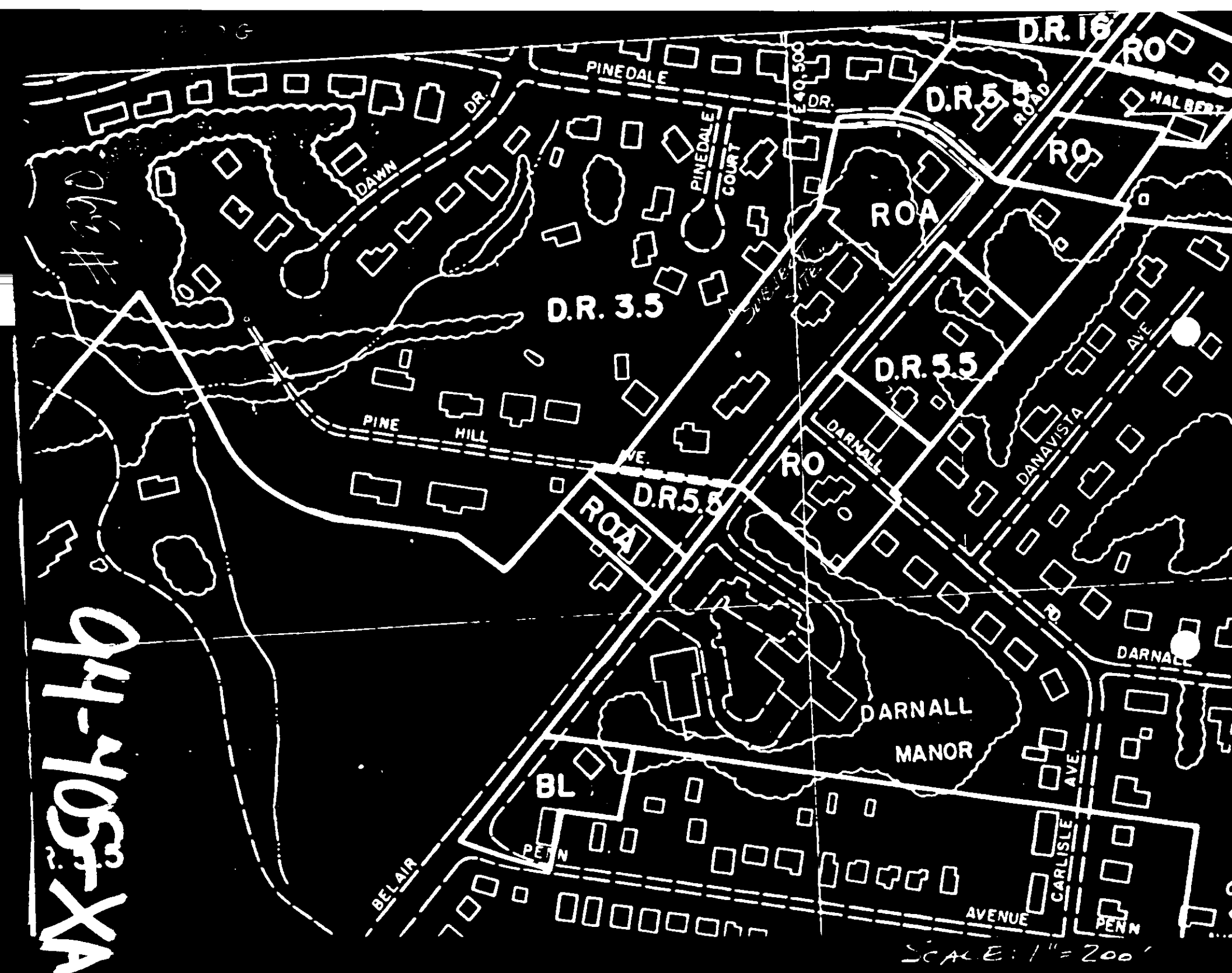
390

PAUL LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVE.  
TOWSON, MARYLAND 21204



PETITIONER'S  
EXHIBIT No. 1





Address: 9412 Belair RD  
Perry Hall, MD 21236

Contact Person: Anousheh Varzandeh

Phone Number: 668-4206

Pettinuer  
No 2

As a resident of the Perry Hall community, I do not object to the opening of a day care center at 9412 Belair Road. Furthermore, I do not feel that a day care center would cause any harm to the neighborhood.

Name	Street
<u>[Signature]</u>	<u>3900 Klausonview Rd.</u>
<u>[Signature]</u>	<u>4401 Leland Rd.</u>
<u>[Signature]</u>	<u>7 Viny. St. F.P.V. #112</u>
<u>[Signature]</u>	<u>4012 Silas Rd.</u>
<u>[Signature]</u>	<u>4001 Baker Lane</u>
<u>[Signature]</u>	<u>4012 Silas Rd.</u>
<u>[Signature]</u>	<u>9 Bellpark Way</u>
<u>[Signature]</u>	<u>4015 Glenbrook Rd. 21236</u>
<u>[Signature]</u>	<u>4115 Glenbrook Rd. 21236</u>
<u>[Signature]</u>	<u>310 Allison Terrace 21009</u>
<u>[Signature]</u>	<u>2115 Darnall Rd. 21236</u>
<u>[Signature]</u>	<u>4012 Silas Rd.</u>

Name

Street

[Signature]  
Vicki Sadler  
Toni Misiak  
[Signature]

Glen Park Rd.  
Glen Park Rd.  
CHAPL TOWN C.R.  
Sage Lane

Learn N'Care  
Learning Center

DR. SUE SADRI  
DIRECTOR

May 17, 1994

To whom it may concern;

Ms. Anousheh Varzandeh has worked with us at Learn n' Care Learning Center for the past two years. Ms. Varzandeh's growth as a person has been impressive. Today I would consider her to be one of the most outstanding young persons to be found anywhere. She has qualities and character traits that are extremely noteworthy.

She goes beyond what is expected of her and is well-respected by those who work with her. I believe she would be an asset to any place of employment, and I would certainly want her as part of any staff I would supervise.

Sincerely,

[Signature]

Sue Sadri, Ph.D.  
Child Development

Re: Questions, call (301) 736-7410

PETTINUER'S  
EXHIBIT NO. 3





111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 9, 1994

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: Case No. 94-405-XA, Item No. 390  
Petitioner: Javad Varzandeh, et ux.  
Petitions for Variance and Special Exception

Dear Mr. Borgerding:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 14, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Zoning Plans Advisory Committee Comments  
Francis X. Borgerding, Jr., Esquire  
Date: May 9, 1994  
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR:cm  
Enclosures

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 2, 1994  
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 2, 1994  
Item No. 390

The Developers Engineering Section has reviewed the subject zoning item. If the Special Exception is given, this site will be subject to the Baltimore County Development Regulations, Divisions 3, 4 and 5 and the Department of Public Works Standard for Single Commercial Entrance, Plate R-32.

This proposal is subject to the Landscape Manual. A schematic landscape plan should be submitted and approved prior to the hearing. The required plantings of the RTA buffer must be included.

RWB:sw



Maryland Department of Transportation  
State Highway Administration

O. James Lignitzer  
Secretary  
Hal Katch  
Administrator

4-26-94

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 4390 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact: Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
DAVID N. RAMSEY, ACTING CHIEF  
John Comerford, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION\*  
PETITION FOR VARIANCE  
SAC Belair Road and  
and Pinedale Drive  
(9412 Belair Road)  
11th Election Dist.,  
5th Councilmanic Dist.

JAVAD VARZANDEH, et al.  
Petitioners

BEFORE THE

ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-405-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
409 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: April 26, 1994

SUBJECT: 9412 Belair Road

INFORMATION:

Item Number: 390

Petitioner: Javad Varzandeh

Property Size: \_\_\_\_\_

Zoning: R.O.A.

Requested Action: \_\_\_\_\_

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff supports the applicant's request subject to the following conditions:

- Amend the plan to show the ultimate right-of-way for Belair Road.
- Any sign to be erected should be ground mounted.
- Provide a landscape plan subject to the review and approval by the Office of Planning and Zoning.

Prepared by: Jeffery M. Long

Division Chief: Gary L. Kenna

PK/JL:lw

ZAC.390/PZONE/ZAC1

Pg. 1

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Javad Varzandeh

304 W. Penn Ave Suite  
8637 Quaker Ave

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Michael J. McNamee

P.O. Box 15 - Pym, MD, 21228



A variance for modification of RTA standards as shown on Petitioners' accompanying plat per Section 1801.1.8.1c of the BZCR based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact. Section 424.7.8.



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9412 Belair Rd., Perry Hall, MD 21236 which is presently zoned ROA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Class B Group Child Care Center in an "ROA" zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Francis X. Borgerding, Jr.

(Type or Print Name)

Signature

409 Wash. Ave., Ste. 600 296-6820

Towson MD 21204

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Javad Varzandeh

(Type or Print Name)

Signature

Shahrbano Varzandeh

(Type or Print Name)

Signature

8637 Quinton Ave. 668-4206

Baltimore MD 21234

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Francis X. Borgerding, Jr.

409 Washington Ave., Ste. 600

Towson, MD 21204 296-6820

Address Phone No.

ESTIMATED LENGTH OF HEARING

unavailable for hearing

Next Two Months

ALL OTHER

REVIEWED BY: DATE: 4/4/94

ORDER RECEIVED FOR FILING

Date

By

Paul L. P.B.

Paul L. Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-221-5381

94-405-XA

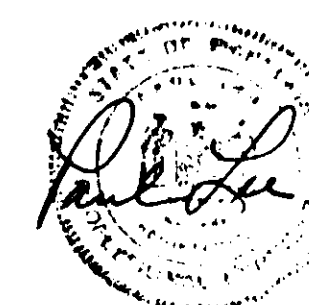
DESCRIPTION

9412 BELAIR ROAD

ELECTION DISTRICT 11 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located at the intersection of the South side of Pinedale Drive with the West side of Belair Road; thence binding on the West side of Belair Road (1) S 42°25'10" W - 225.00 feet, thence leaving said West side of Belair Road (2) N 47°34'50" W - 150.00 feet, (3) N 42°25'10" E - 25.83 feet, (4) N 77°19'35" W - 35.17 feet and (5) N 10°50'56" E - 141.31 feet to the South side of Pinedale Drive; thence binding on the South side of Pinedale Drive by a curve to the left (6) R = 546.43 feet for a length of 77.17 feet, and by a curve to the right (7) R = 155.00 feet for a length of 125.43 feet and (8) S 47°34'50" E - 90.00 feet to the point of beginning.

Containing 1.03 acres of land, more or less.



3/18/94  
J.O. 94-007

Engineers - Surveyors - Site Planners

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 111

Date of Posting: 5/1/94

Posted for: Javad Varzandeh and Shahrbano Varzandeh

Petitioner: Javad Varzandeh and Shahrbano Varzandeh

Location of property: 9412 Belair Rd. 9412 Belair Rd.

Location of Sign: 9412 Belair Rd. 9412 Belair Rd.

Remarks:

Posted by: Javad Varzandeh and Shahrbano Varzandeh

Number of Signs: 2

## CERTIFICATE OF PUBLICATION

TOWSON, MD. April 29, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 28, 1994.

THE JEFFERSONIAN,

A. Henderson  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 94-405-XA (Item 390)  
9412 Belair Road  
SMC Belair Road and Pinedale Drive  
11th Election District - 5th Councilmanic  
Petitioner(s): Javad Varzandeh and Shahrbano Varzandeh  
HEARING: TUESDAY, MAY 24, 1994 at 9:00 a.m. Rm. 118 Old Courthouse.  
Special Exception for a Class B group child care center.  
Variance to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet; to permit modification of RTA standards as shown on the plat based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact.  
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are held in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204. (2) For information concerning the file and/or hearing, please call 887-3351. 4/28 April 28.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

94-405-XA

(410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 31

Petitioner: VARZANDEH

Location: 9412 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAVAD VARZANDEH

ADDRESS: 9412 BELAIR RD.

PHONE NUMBER: 410-887-3351

MUST BE SUPPLIED

TO: PUBLISHER PUBLISHING COMPANY  
April 28, 1994 Issue - Jeffersonian

Please forward billing to:

Javad Varzandeh-Esfahani  
8637 Quinton Avenue  
Baltimore, Maryland 21204  
410-668-4206

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-405-XA (Item 390)  
9412 Belair Road  
SMC Belair Road and Pinedale Drive  
11th Election District - 5th Councilmanic  
Petitioner(s): Javad Varzandeh and Shahrbano Varzandeh  
HEARING: TUESDAY, MAY 24, 1994 at 9:00 a.m. Rm. 118 Old Courthouse.

Special Exception for a Class B group child care center.  
Variance to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet; to permit modification of RTA standards as shown on the plat based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

APRIL 21, 1994

(410) 887-3353

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-405-XA (Item 390)  
9412 Belair Road  
SMC Belair Road and Pinedale Drive  
11th Election District - 5th Councilmanic  
Petitioner(s): Javad Varzandeh and Shahrbano Varzandeh  
HEARING: TUESDAY, MAY 24, 1994 at 9:00 a.m. Rm. 118 Old Courthouse.

Special Exception for a Class B group child care center.  
Variance to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet; to permit modification of RTA standards as shown on the plat based on the use being compatible and meeting the requirements of RTA as best as possible without adverse impact.

Arnold Jablon  
Director

cc: Javad and Shahrbano Varzandeh  
Francis X. Borgerding, Jr.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



receipt

Number: 390

Date: 4/29/94

Amount: \$300.00

Amount: \$50.00

Amount: \$70.00

Amount: \$680.00

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IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - SW/Corner Belair Road and Pinedale Drive (9412 Belair Road) 11th Election District 5th Councilmanic District Javad Varzandeh, et ux: Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance filed by the owners of the property, Javad and Shahrbanou Varzandeh for a Child Care Center on the subject property, known as 9412 Belair Road, located in the Perry Hall area of northeastern Baltimore County. Specifically, the Petitioners seek a special exception for a Class B Group Child Care Center on the subject property, zoned ROA, and a variance from Section 424.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the required average of 25 feet, and a modification of RTA standards, pursuant to Section 1B01.1.B.1.C of the B.C.Z.R. based on the use being compatible to the extent possible. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Javad Varzandeh, property owner, and Paul Lee, Professional Engineer. Appearing as an interested party was Dorothy S. McMann, President of the Perry Hall Improvement Association. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of 1.03 acres, more or less, zoned ROA and is improved with a one-story single family dwelling. The Petitioners are desirous of opening

a Class B Group Child Care Center on the property in accordance with Petitioner's Exhibit 1. Testimony indicated that the proposed Center will be operated by the Petitioners' daughter, Anousheh Varzandeh, who holds a Masters degree in early child care. In addition to Ms. Varzandeh, there will be seven employees who will assist in operating the Center. Testimony indicated the Center will offer day care for up to 40 children between 2 and 6 years of age, Monday through Friday from 6:00 AM to 7:00 PM. The Petitioner testified that there will be no before or after school pick-ups as all of the children will be pre-school age who will be dropped off and picked up by their working parents. Further testimony revealed that there will be no improvements to the property but for the addition of a stockade fence to designate a play area to the rear of the dwelling and the extension of an existing driveway to provide additional parking.

As to the variance relief sought, testimony indicated that the variance from front setback requirements is necessary to legalize the dwelling which has existed on the property for many years. The site plan submitted indicates that the front of the dwelling is oriented towards Pinedale Drive and that the dwelling sits back 15 feet from that roadway. Further testimony indicated that inasmuch as there will be few physical changes to the property, the variance from RTA requirements meet the spirit and intent of the regulations and will not result in any detriment to the surrounding locale.

Reference is made to the proposed 2' x 2' illuminated identification sign for the day car center which is proposed to be located on the northeast corner of the site, adjacent to Belair Road. At the hearing, a question arose concerning the possibility that the sign might be located within the ultimate right-of-way for Belair Road. Paul Lee indicated that

he had investigated the ultimate right-of-way for Belair Road with the State Highway Administration (SHA) and was advised that the right-of-way had not been established. Therefore, the sign can remain where proposed, subject to a condition that it be relocated in the event its location is found to fall within the right-of-way once same has been established.

Ms. Dorothy McMann appeared as an interested party on behalf of the Perry Hall Improvement Association. It is to be noted that Ms. McMann did not voice any opposition to the relief requested, but indicated that she is merely interested in all special exception and variance requests made for properties located in the Perry Hall area.

It is clear that the B.C.Z.R. permits the use proposed in the ROA zone by special exception and that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

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ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

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Date 6/13/94  
By [Signature]

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Date 6/13/94  
By [Signature]

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Date 6/13/94  
By [Signature]

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of June, 1994 that the Petition for Special Exception for a Class B Group Child Care Center on the subject property, zoned ROA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception granted herein is limited to a Class B Group Child Care Center for a maximum of 40 children, which will operate Monday through Friday, only, from 6:00 AM to 7:00 PM.
- 3) The proposed 2' x 2' illuminated sign shall be extinguished between the hours of 10:00 PM and 6:00 AM.
- 4) In the event the identification sign noted above is located within the ultimate right-of-way, said sign shall be relocated.
- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 424.7.B of the Baltimore County Zoning Regulations

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(B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the required average of 25 feet for the existing dwelling, and a modification of RTA standards, pursuant to Section 1B01.1.B.1.C of the B.C.Z.R., based on the use being compatible to the extent possible, be and is hereby GRANTED.

LES:bjs

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

- 6 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 13, 1994

(410) 887-4386

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
SW/Corner Belair Road and Pinedale Drive  
(9412 Belair Road)  
11th Election District - 5th Councilmanic District  
Javad Varzandeh, et ux - Petitioners  
Case No. 94-405-XA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Javad Varzandeh  
8637 Quinton Avenue, Baltimore, Md. 21234

Ms. Dorothy S. McMann, President, Perry Hall Improvement Assoc.  
P.O. Box 53, Perry Hall, Md. 21128

People's Counsel

File

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]

Printed with 50% Recycled Paper

Petition for Variance  
to the Zoning Commissioner of Baltimore County  
for the property located at 9412 Belair Rd., Perry Hall, MD 21236  
which is presently zoned ROA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 424.7.B. of the B.C.Z.R. to permit a front yard setback of 15 feet in lieu of the required existing front yard average of 25 feet (a variance of 10 feet)

CONTINUED ON REVERSE  
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):  
1. Shape and configuration of the property; and  
2. Such other and further reasons as will be presented at the time of the hearing of this matter.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lease:	Legal Owner(s):
(Type or Print Name)	Javad Varzandeh
Signature	Javad Varzandeh
City	Shahrbanou Varzandeh
State	Shahrbanou Varzandeh
Address	8637 Quinton Ave.
City	Baltimore
State	MD
Zip	21234
Phone	668-4206
Address	409 Wash. Ave., Ste. 600
City	Towson
State	MD
Zip	21204
Phone	296-6820
Address	Francis X. Borgerding, Jr.
City	Towson
State	MD
Zip	21204
Phone	296-6820
Office Use Only:	
ESTIMATED LENGTH OF HEARING	
Unreasonable for Hearing	
Next Two Months	
REVIEWED BY:	

ORDER RECEIVED FOR FILING  
Date 6/13/94  
By [Signature]